

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washing O DC 20231, on the date shown below.

Dated: January 30, 2002



ORIGINALLY FILED

Docket No.: 022956-72

(PATENT)

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Daniel F. Justin, et al.

Application No.: 09/966,737 - #3569

Filed: September 28, 2001

Group Art Unit: 3738

Examiner: Not Yet Assigned

For: EXPANDING LIGAMENT GRAFT FIXATION

SYSTEM AND METHOD

### RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

**Box Missing Parts** 

Commissioner for Patents Washington, DC 20231

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed October 29, 2001, Applicants respectfully submit:

An Executed Declaration and Power of Attorney;

Part 2 - Notice to File Missing Parts;

A Fee Transmittal; and

A check in the amount of \$1258.00.

Dated: January 30, 2002

Respectfully submitted

Ronald E. Cahill

Registration No.: 38,403

NUTTER MCCLENNEN & FISH LLP

One International Place

Boston, Massachusetts 02110-2699

(617) 439-2782

(617) 310-9782 (Fax)

Attorneys for Applicant



# COEV OF PAPERS ORIGINALLY FILED

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction and of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CEE TO A NORSITY A I		C mplete if Kn wn								
FEE TRANSMITTAL	[	Appli	cation	Numb	per 09/966,737 - #3569-Conf. #3569					
for FY 2002	Filing Date				September 28, 2001					
Patent fees are subject to annual revision.		First	Name	d Inve	ntor Daniel F. Justin et al.					
	Examiner Name				Not Yet Assigned					
Application claims small entity status. See 37 CFR 1.27	Group Art Unit				3738					
TOTAL AMOUNT OF PAYMENT (\$) 1258.00	Attorney Docket No.				o. 022956-72					
METHOD OF PAYMENT (check all that apply)	<u> </u>			FEE	E CALCULATION (continued)					
Y Check Credit Money Other None	ONAI	FEES	· · · · · · · · · · · · · · · · · · ·							
Deposit Account										
Deposit Cedurii	Large	_arge Entity Small Entity								
Account 141449 Number	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description					
Deposit	105	130	205	65	Fee Paid					
Account Nutter McClennen & Fish LLP	ł				Surcharge – late filing fee or oath 130.00 Surcharge – late provisional filing fee or cover					
The Commissioner is hereby authorized to: (check all that apply)	127	50	227	25	sheet.					
Charge fee(s) indicated below X Credit any overpayments	139	130	139	130	Non-English specification					
X Charge any additional fee(s) during the pendency of this application	147	2,520	147	2,520	For filing a request for ex parte reexamination					
Charge fee(s) indicated below, except for the filing fee	112	920*	112	920°	Requesting publication of SIR prior to Examiner action					
to the above-identified deposit account.	113	1,840*	113	1,840*	Requesting publication of SIR after					
FEE CALCULATION	115	110	215	55	Examiner action  Extension for reply within first month					
1. BASIC FILING FEE	116	400	216	200	Extension for reply within second month 400.00					
Large Entity Small Entity	117	920	217	460	Extension for reply within third month					
Fee Fee Fee Fee Fee Description Fee Paid	118	1,440	218	720	Extension for reply within fourth month					
101 740 201 370 Utility filing fee 710.00	128	1,960	228	980	Extension for reply within fifth month					
106 330 206 165 Design filing fee	119	320	219	160	Notice of Appeal					
107 510 207 255 Plant filing fee	120	320	220	160	Filing a brief in support of an appeal					
108 740 208 370 Reissue filing fee	121	280	221	140	Request for oral hearing					
114 160 214 80 Provisional filing fee	138	1,510	138	1,510	Petition to institute a public use proceeding					
SUBTOTAL (1) (\$) 710.00	140 141	110	240 241	55 640	Petition to revive – unavoidable Petition to revive - unintentional					
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	142	1,280	242	640	Utility issue fee (or reissue)					
Extra Fee from Fee Paid	143	460	243	230	Design issue fee					
Total Claims 21 -**= 1 x 18 = 18.0	144	620	244	310	Plant issue fee					
Independent = x	122	130	122	130	Petitions to the Commissioner					
Claims ^	123	50	123	50	Processing fee under 37 CFR 1.17(q)					
Large Entity Small Entity	126	180	126	180	Submission of Information Disclosure Stmt					
Fee Fee Fee Fee Fee Description	581	40	581	40	Recording each patent assignment per					
103 18 203 9 Claims in excess of 20	146	740			property (times number of properties) Filing a submission after final rejection					
102 84 202 42 Independent claims in excess of 3			246	370	(37 ČFR 1.129(a)) For each additional invention to be					
104 280 204 140 Multiple dependent claim, if not paid	149	740	249	370	examined (37CFR 1.129(b))					
109 84 209 42 ** Reissue independent claims over original patent	179	740	279		Request for Continued Examination (RCE)					
110 18 210 9 ** Reissue claims in excess of 20	169	900	169		Request for expedited examination of a design application					
and over original patent	Other fe	e (spec	ify)	,						
SUBTOTAL (2) (\$) 18.00	*Reduc	ed by E	asic Fi	ling Fee	Paid SUBTOTAL (3 (\$) 530.00					
**or number previously paid, if greater; For Reissues, see above										
SUBMITTED BY	Registra	tion No	1	40.5	Complete (if applicable)					
Name (Print/Type) Ronald E. Cabill	(Attorne)	/Agent)	38	,403	Telephone (617) 439-2782					
Signature Date January 30, 2002										

Fee Transmittal

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Dated: January 30, 2002

Signature:



ADEMARK OFFICE

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#3

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/966,737

09/28/2001

Daniel F. Justin

022956-0072

021125 NUTTER MCCLENNEN & FISH LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110 CONFIRMATION NO. 3569
FORMALITIES LETTER
\*OC00000000000000992603\*

Date Mailed: 10/29/2001

# NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
   Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional ciaim fee(s) for this application is \$18.
  - \$18 for 1 total claims over 20.
- The oath or declaration is missing.
   A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 858.

A	copy of	this	notice	<u>MUST</u>	be	returned	with	the	reply.
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03/07/2002 MBERHE 00000029 141449 09966737 02 FC:101 740.00 DP 03 FC:105 12.00 CH 118.00 DP 04 FC:103 18.00 CH

Customer Service Center Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/07/2002 MDERHE 00000029 141449 09966737